



HF 589 – Animal or Crop Facility Trespass Provisions (LSB 2093HV)
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Fiscal Note Version – New
Requested by Representative Patrick Murphy

Description

House File 589 expands the definitions relating to agricultural production, and imposes a range of criminal penalties for animal facility tampering, animal facility interference and fraud, crop operation tampering, and crop interference and fraud. The Bill imposes criminal penalties ranging from a simple misdemeanor to a Class C felony. The Bill also increases the amount of damages that may be recovered in certain civil actions.

Background

Correctional and Fiscal Information

- Current law provides for civil actions and criminal penalties ranging from a simple misdemeanor to a Class C felony for offenses related to agricultural production.
- There were no convictions for offenses relating to agricultural production in FY 2010.

Minority Data Information

- The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2009 (the most current estimates available). Men comprise 49.3% of the population. Approximately 92.7% of Iowa's population is white. The composition of the remaining 7.3% is: 2.5% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.9% is of two or more races or unknown.
- Iowa's prison population was 8,603 offenders on June 30, 2010. Men comprised 91.8% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.7% white; 25.5% black; 1.0% Asian or Pacific Islander; and 1.8% American Indian or Alaska Native. Included in these racial groups were 6.8% that identified themselves as Hispanic (nearly all of these identified themselves racially as being white).

Assumptions

Correctional and Fiscal Information

The Bill expands the definitions of certain crimes that may increase the number of criminal convictions.

Minority Data Information

Approximately 14.8% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.8%.

Summary of Impacts

Correctional Impact

To the extent the Bill's provisions result in additional criminal convictions, there will be an impact

on county jail operations, and the State corrections system, including the prison system, probation, parole, and residential facilities. This will further exacerbate an already crowded system.

Minority Impact

The Bill is not expected to have a significant impact on minorities.

Fiscal Impact

The fiscal impact cannot be determined because the number of court actions and convictions that will occur as a result of the changes in this Bill cannot be predicted. As noted in the background section, there were no convictions for offenses relating to agricultural production in FY 2010 under current law. The cost to the State General Fund may be significant if the Bill results in additional convictions under the Criminal Code.

Examples of the range of average State costs for the penalties available under the Bill include:

- \$27 (court costs) to \$327 (court costs and indigent defense) for one simple misdemeanor conviction.
- \$201 (court costs) to \$5,300 (court costs including a jury, indigent defense, prison, and parole) for one serious misdemeanor conviction.
- \$2,100 (court costs and probation) to \$6,700 (court costs with a jury, prison, parole, and indigent defense) for one aggravated misdemeanor.
- \$4,750 (court costs, indigent defense, and probation) to \$12,300 (court costs with a jury, indigent defense, prison, and parole) for one Class D felony conviction.
- \$5,700 (court costs, probation and indigent defense) to \$18,800 (court costs with a jury, prison, parole, and indigent defense) for one Class C felony conviction.

NOTE: In the examples above, for convictions resulting in prison, parole, or probation, the costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.

To the extent sentences to county jails increase under this Bill, there will be an impact on county budgets. However, that impact cannot be estimated due to a lack of data.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
Judicial Branch

/s/ Holly M. Lyons

March 17, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
